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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,835	02/25/2002	Eric Lauper	34378	1040

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 09/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.
10/082,835

Applicant(s)
Lauper

Examiner
Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 19, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Reassignment Affecting Application Location

1. The art unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to art unit 2681.

Response to Arguments

2. Applicant's arguments, with respect to all claims except claims 5, 37 and 38, filed June 19, 2003 have been fully considered but they are not persuasive.

Applicant argues that Shapiro fails to disclose or suggest sending messages to mobile devices that are in the vicinity of a user in an emergency situation, thus Shapiro does not notify other device users that are closer to the emergency. Applicant also argues that there is no guarantee that security officers in Shapiro are in the vicinity of the user, but are instead widely spaced. Further, applicant argues that Shapiro alone nor in combination with Balachandran meets the temporal limitation of sending the emergency message to other terminal after the initial emergency message is sent.

The examiner, however, respectfully disagrees with the above arguments. Shapiro discloses that mobile police and security officers are assigned and prepositioned to a specific area (area 26). The officers are equipped with mobile devices (two-way pagers 40). When an

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emergency situation arises, a user generates an emergency call message wherein this message is first sent to police officers that are in the area/vicinity of the emergency situation (col. 6, lines 11-20). Shapiro further discloses that when the officers closest to the emergency don't acknowledge the distress signal, the message is retransmitted to the next closest officer (col. 6, lines 21-28).

Balachandran was used as evidence to show that an emergency message can be further transmitted to other terminal predefined by the user (col. 3, lines 49-59 and col. 4, lines 33-44). This further transmission is performed after the initial emergency message is sent to a dispatch center.

Therefore, because both Shapiro and Balachandran meet the temporal limitations (i.e., transmitting a first emergency message and then transmitting the message to other terminals in the system, the references can be reasonably combined.

In regards to providing the references related to "Official Notice" taken in the previous office action, they are as follows: Regarding **claim 9**, see Alperovich et al, U.S. Patent No. 6,078,804 (col. 5, lines 14-33), regarding **claim 20**, see Alperovich et al, U.S. Patent No. 6,408,172 (col. 3, lines 50-59), regarding **claim 21**, see Stilp et al, U.S. Patent No, 6,334,059 (col. 1, lines 45-47, col. 4, lines 3-12 and col. 4, lines 41-57), regarding **claims 23, 24 and 38**, see Carrara, U.S. Patent No. 6,360,092 (col. 1, lines 37-49), regarding **claim 33 and 35**, see Suman et al, U.S. Patent No. 6,028,537 (col. 12, line 51-col. 13, line 18).

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3. Applicant's arguments with respect to claims 5 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-34, 36, 39, 40, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, U.S. Patent No. 5,705,980 in view of Balachandran, U.S. Patent No. 6,073,004.

Regarding claims 1 and 44, Shapiro discloses a method for distributing an emergency call message within a telecommunication network, wherein the emergency call message generated by a mobile user is automatically sent first to mobile devices in the vicinity (geographically closest) of the mobile user (col. 5, line 61-col. 6, line 20).

Shapiro, however, fails to disclose wherein the message is then distributed to terminals, predefined by said user, in the telecommunication network.

Balachandran, discloses this limitation (col. 3, lines 49-59 and col. 4, lines 33-44).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shapiro with the teachings of Balachandran for the purpose informing relatives or friends about the emergency situation.

Regarding claim 2, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the mobile user generates an emergency call message by using a single control element of his mobile device (Shapiro, col. 3, lines 35-43 and col. 2, lines 38-43).

Regarding claim 3, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the emergency call message is automatically generated by an emergency call detector (Balachandran, col. 2, lines 28-45).

Regarding claim 4, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the emergency call message contains at least a stored characteristic of said mobile user or a pointer to such a characteristic (col. 3, lines 12-20 and col. 6, lines 66-67).

Regarding claim 6, the combination of Shapiro and Balachandran discloses the method of claim 4, wherein said at least one characteristic is stored by said mobile user (customizable) (Balachandran, col. 3, lines 48-55).

Regarding claim 7, the combination of Shapiro and Balachandran discloses the method of claim 4, wherein said at least one characteristic is downloaded by a third party (Balachandran, col. 3, lines 44-59 and col. 4, lines 33-44).

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Regarding claim 8, the combination of Shapiro and Balachandran discloses the method of claim 7, wherein said at least one characteristic is downloaded over said telecommunication network (Balachandran, col. 3, lines 44-59 and col. 4, lines 33-44).

Regarding claim 9, the combination of Shapiro and Balachandran discloses the method of claim 7 as described above.

The combination, however, fails to specifically disclose wherein said at least one characteristic is downloaded over a contactless interface at close range.

The examiner contends however, that there are many ways in which information can be downloaded, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran since such a feature is well known in the art, and such an implementation would have only taken routine skill in the art.

Regarding claims 10-18, the combination of Shapiro and Balachandran discloses the method of claim 4 as described above and further discloses the characteristic comprising the name (claim 10), blood group (claim 11), and picture (claim 18) of the user (Shapiro, col 3, lines 12-20, col. 6, lines 66-67). Although the specific characteristics of claims 12-17 are not disclosed in the combination of Shapiro and Balachandran, such features would have been obvious to a person of ordinary skill in the art to implement to help further identify the mobile user.

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Regarding claim 19, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said emergency call message is sent as an SMS message (Balachandran, col. 3, lines 19-22).

Regarding claim 20, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above, and further discloses the message sent as an SMS message. The combination, however, fails to specifically disclose wherein the emergency call message is sent as USSD message.

The examiner contends that such USSD messages are well known in the art, and are similar to SMS messages with the difference being that such messages are transmitted faster in the network, and can allow more characters to be transmitted in the message. The examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of well known prior art for the purpose of quickly notifying the network that assistance is needed.

Regarding claim 21, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose the message sent as a GPRS packet.

The examiner contends that the GPRS service is well known in the art for sending messages. The examiner takes official notice as such.

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Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of well known prior art since such services are well known in the art for transmitting messages.

Regarding claim 22, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein said emergency call message is sent as e-mail (SMS) (Balachandran, col. 3, lines 19-22).

Regarding claims 23 and 24, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above.

The combination, however, fails to disclose wherein the messages are signed or encrypted. The examiner, contends, however, that such features are well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of well known prior art for the purpose of offering a more secure system.

Regarding claim 25, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the emergency call message is first sent simultaneously to all mobile devices using the same base station as said mobile user (Shapiro, col. 2, lines 35-43).

Regarding claim 26, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein the position of said mobile devices within a cell of the telecommunication network is determined through a location-determining system in said telecommunication network

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and wherein the emergency call message is distributed first on the basis of this position indication to other mobile devices in the vicinity (Shapiro, col. 2, lines 35-67).

Regarding claim 27, the combination of Shapiro and Balachandran discloses the method of claim 26, wherein the emergency call message is distributed to mobile devices that are progressively further away from the mobile user (Shapiro, col. 6, lines 11-27).

Regarding claim 28, the combination of Shapiro and Balachandran discloses the method of claim 27, wherein the emergency call message is distributed any further until a mobile device has dispatched a confirmation (col. 6, lines 11-27).

Regarding claim 29, the combination of Shapiro and Balachandran discloses the method of claim 27, wherein the emergency call message is forwarded to the terminals predefined by said user only when all active users within a defined area have been reached (Balachandran, col. 4, lines 36-44).

Regarding claim 30, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose, wherein said terminals predefined by the mobile user are listed hierarchically and wherein the emergency call message is distributed progressively to all levels of this hierarchy.

The examiner, contends, however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of calling the persons designated “more important” to the user first.

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Regarding claim 31, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein said terminals predefined by the mobile user are stored in an identification module of the mobile user (Balachandran, col. 3, lines 49-59 and col. 4, lines 33-44).

Regarding claim 32, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said terminals predefined by the mobile user are stored in a memory area accessible from a mobile s switching center (MSC) in the telecommunication network (Balachandran, col. 3, lines 44-59).

Regarding claim 33, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose, wherein the location of said mobile user is also monitored after said emergency call message has been sent, and wherein said emergency call message is forwarded to other mobile devices in the new vicinity of the mobile user if this location changes.

The examiner contends however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of constantly dispatching or alerting other people in the vicinity of the user of the emergency situation the user is in.

Regarding claim 34, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein at least one reached mobile device dispatches a confirmation to an address indicated in said emergency call message (Shapiro, col. 6, lines 21-27).

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Regarding claim 35, the combination of Shapiro and Balachandran discloses the method of claim 1, the combination, however, fails to disclose wherein at least one reached mobile device dispatches a confirmation to a mobile user.

The examiner contends however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of informing the mobile user that assistance is on the way.

Regarding claim 36, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said emergency call message is completed by a fixed device in said telecommunication network (Shapiro, figure 1).

Regarding claim 39, Shapiro discloses a device in a mobile radio network that has a location-determining system for determining the position of mobile devices within at least one area of said telecommunication network, wherein it has a memory area loaded with a software program for recognizing an emergency call message from a mobile user in said area, and for distributing this emergency call message first to mobile devices in the vicinity of the mobile user (col. 5, line 61-col. 6, line 20).

Shapiro, however, fails to disclose wherein the message is then distributed to terminals, predefined by said user, in the telecommunication network.

Balachandran, discloses this limitation (col. 3, lines 49-59 and col. 4, lines 33-44).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shapiro with the teachings of Balachandran for the purpose informing relatives or friends about the emergency situation.

Regarding claims 40 and 42, Balachandran discloses, inherently allowing the user to communicate with other users in non-emergency situations since it is a mobile phone which can also be used in “normal fashion” (col. 4, lines 1-4), generating an emergency call message in an emergency (col. 3, lines 19-26), automatically sending the emergency call message to arbitrary devices (inherently via emergency operator) (col. 3, lines 44-47), distributing the emergency call message to terminals predefined by said user (col. 4, lines 32-43).

Balachandran, however, fails to specifically disclose if the emergency message is first sent to mobile devices in close proximity to the emergency.

Shapiro disclose this limitation (col. 6, lines 11-14). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Balachandran with the teachings of Shapiro to ensure that a user in an emergency situation is quickly responded to in the event that the emergency is life threatening.

6. Claims 5, 41, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran, Shapiro and Alperovich et al (Alperovich), U.S. Patent No. 6,078,804.

Regarding claims 5, 41, 43 and 45, the combination of Shapiro and Balachandran discloses the method of claims 1, 40, 42 and 44 as described above.

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The combination, however, fails to disclose wherein characteristics of the mobile user are stored in an ID module of the user.

Alperovich discloses this limitation (col. 1, line 66-col. 2, line 2 and col. 4, line 46-col. 5, line 13). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of Alperovich since the use of SIM cards are widely used to personalize information for a specific user wherein such personalized information can be used more effectively in handling an emergency situation associated with a particular subscriber.

7. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al (Alperovich), U.S. Patent No. 6,078,804 in view of Pecan et al (Pecan), U.S. Patent No. 6,466,804.

Regarding claim 37, Alperovich discloses an identification module for a mobile terminal, wherein it has a memory area for at least one characteristic of the mobile user, this characteristic being used only for emergency call messages (col. 3, line 54-col. 5, line 13).

Alperovich, however, fails to disclose a memory area for a list of terminals predefined by the mobile user and to which emergency call messages must be sent.

Pecan discloses a method and apparatus for remote multiple access to a SIM. Pecan further discloses that the use of SIM cards are vast, including storing telephone numbers supplied

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by the user of the SIM card (col. 1, lines 18-33). Further, calling the stored numbers for user purposes (i.e., emergency call, personal call, etc.) would be inherent features.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alperovich with the teachings of Balachandran for the purpose informing relatives or friends about an emergency situation.

Regarding claim 38, the combination of Alperovich and Pecen discloses the identification module of claim 37 as described above.

The combination, however, fails to disclose wherein it contains an electronic certificate with which emergency call messages can be signed. The examiner, contends, however, that such a feature is well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Alperovich and Pecen with the teachings of well known prior art for the purpose of offering a more secure system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Trin, can be reached on (703) 305-4040.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

Any response to this communication should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TMD
September 8, 2003


TEMICA M. DAVIS
PATENT EXAMINER